

UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/540,648	03/31/2000	Paul G. Skuriat	20558-011	1725		
30623	30623 7590 01/23/2004			EXAMINER		
,	EVIN, COHN, FERRIS,	SHIH, SALLY				
AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			ART UNIT	PAPER NUMBER		
			3624			
			DATE MAILED: 01/23/2004			

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applica	tion No.	Applicant(s)	8			
		09/540,	648	SKURIAT ET AL.	14			
ß	Office Action Summary	Examin	er	Art Unit				
		Sally Si	nih	3624				
Period fe	The MAILING DATE of this commun or Reply	ication appears on t	he cover sheet with ti	ne correspondence address	S			
THE - Exte after - if the - if NO - Failt - Any	ORTENED STATUTORY PERIOD F MAILING DATE OF THIS COMMUNI nsions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this comn e period for reply specified above is less than thirty (3 period for reply is specified above, the maximum st ure to reply within the set or extended period for reply reply received by the Office later than three months a ed patent term adjustment. See 37 CFR 1.704(b).	CATION. of 37 CFR 1.136(a). In no on the control of	event, however, may a reply b tatutory minimum of thirty (30 will expire SIX (6) MONTHS pplication to become ABAND	be timely filed) days will be considered timely. from the mailing date of this communioned (35 U.S.C. § 133).	ication.			
1)⊠	Responsive to communication(s) file	ed on <u>17 November</u>	<u>2003</u> .					
2a) <u></u> ☐	This action is FINAL . 2b) This action is non-final.							
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposit	ion of Claims							
 4) Claim(s) 1-10 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-10 are subject to restriction and/or election requirement. 								
Applicat	ion Papers							
 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 								
Priority	under 35 U.S.C. §§ 119 and 120		·					
 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) ☐ The translation of the foreign language provisional application has been received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. 								
Attachmer	nt(s)							
2) Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (F mation Disclosure Statement(s) (PTO-1449) P			nary (PTO-413) Paper No(s) nal Patent Application (PTO-152)				

Art Unit: 3624

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8 and 10, drawn to a method and system for the purpose of evaluating a trader's performance as a function of time, classified in class 705, subclass 011.
- II. Claim 9, drawn to a trade system coupled with an ordering system and a traderelated information system, classified in class 705, subclass 035.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions because Invention I is used to evaluate a trader's performance based on a function of time while Invention II is used for order and trade.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

VINCENT MILLIN SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600